

## **REMARKS**

### **Introductory Comments**

Claims 1-17 are pending. Claims 4 and 14-17 have been amended. Support for the amendments can be found in the specification as filed in at least paragraphs [0040] and [0091]. These amendments and the arguments contained herein are believed to address each objection and rejection set forth above. In light of the amendments and arguments contained herein, it is respectfully submitted that the rejections of the claims be withdrawn and the claims allowed.

In the Office Action dated January 4, 2008, claims 1, 2, 4, 5 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Venters, et al., (U.S. Patent No. 5,805,600). Claims 6-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Draper et al. (U.S. Patent No. 6,192,365). Claims 14-17 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner has objected to Claims 3, 12 and 13 as being dependent upon a rejected independent claim, but would be allowable if rewritten in independent form including all of the limitations of the respective independent claim and any intervening claims. At this time, Applicant sets forth the remarks below to detail the patentability of claims 1 and 11 in lieu of rewriting claims 3, 12 and 13.

### **Claim Rejections – 35 USC §101**

Claims 14-17 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In the interest of expediting prosecution,

Applicant has amended claims 14-17 to recite "[a] computer-implemented method."  
Accordingly, claims 14-17 are allowable.

**Claim Rejections – 35 USC §102**

Claims 1, 2, 4, 5 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Venters, et al., (U.S. Patent No. 5,805,600). Claims 6-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Draper et al. (U.S. Patent No. 6,192,365). Applicants respectfully traverse the rejections.

**Claims 1-2, and 4-5**

Independent claim 1 recites a method for enhancing a digital signal that includes the steps of:

receiving a compressed digital signal from a modulated communication and/or storage medium; and  
modifying the digital signal such that an enhancement aspect is composited within a redundant aspect of the digital signal forming an enhanced digital signal.

In addition, independent claim 4 as amended recites a digital signal enhancer having:

a digital signal receiver for receiving a compressed digital signal from a modulated communication and/or storage medium; and  
a digital signal modifier coupled to the digital signal receiver;  
wherein said digital signal modifier is configured to composite an enhancement aspect within a redundant aspect of the compressed digital signal.

Claim 1 recites, in part, that "an enhancement aspect is composited within a redundant aspect of the digital signal." Claim 4 recites, in part, "wherein said digital signal modifier is configured to composite an enhancement aspect within a redundant aspect of

the compressed digital signal. It is respectfully submitted that the references cited by the Examiner fail to disclose at least these elements of claims 1 and 4.

The Examiner states that "Venters teaches forming an enhanced digital signal[.]" *Office Action*, page 2. Specifically, the Examiner refers to column 2, lines 26-34 of Venters for support. Applicant respectfully disagrees. Column 2, lines 26-34 of Venters discloses "the use of auxiliary or redundant data communication port connectivity of such components that enables data transport therethrough to be enhanced[.]" In other words, Venters merely discloses that the use of auxiliary or redundant data communication port connectivity can be used to enhance data transport. Venters makes no mention of "an enhancement aspect [that] is composited within a redundant aspect of the digital signal forming an enhanced digital signal." Using redundant data communication ports to enhance transportation of a signal does not teach or suggest "modifying a digital signal such that an enhancement aspect is composited within a redundant aspect of the digital signal forming an enhanced digital signal." Moreover, using redundant data communication ports to enhance transportation of a signal does not teach or suggest "said digital signal modifier [being] configured to composite an enhancement aspect within a redundant aspect of the compressed digital signal." Accordingly, Venters fails to disclose at least these features of independent claims 1 and 4, and for at least this reason, claims 1 and 4 are allowable. Claim 2 depends directly from claim 1, and claim 5 depends directly from claim 4. Therefore, claims 2 and 5 are allowable for at least the reasons set forth above with respect to claims 1 and 4, respectively.

Claims 6-10

Independent claim 6 recites a method for diffusing data within standard-coded digital image data having the steps of:

identifying a compressed image aspect in a series of compressed image representations;

determining redundant representations of the compressed image aspect within the series of compressed image representations; and

modifying a redundant representation to form a modified-representation such that the aspect is more completely conveyed by the series of compressed image representations.

Independent claim 9 recites a diffuser having:

means for identifying an image aspect in a series of compressed image representations;

means for determining redundant representations of the image aspect within further series of image representations; and

means for modifying a redundant representation such that the aspect is more completely conveyed by the series of compressed image representations.

Claim 6 recites, in part, the step of “modifying a redundant representation to form a modified-representation such that the aspect is more completely conveyed by the series of compressed image representations. Claim 9 recites, in part, “means for modifying a redundant representation such that the aspect is more completely conveyed by the series of compressed image representations.” The references cited by the Examiner fail to disclose at least these elements of claims 6 and 9.

The Examiner states that Draper discloses “modifying a redundant representation to form a modified representation such that the aspect is more completely conveyed by the series of compressed image representations” and cites Figure 4, step 102 of Draper for

support. Applicant respectfully disagrees. Step 102 in Draper is described as a “removing step.” Draper, column 34, line 11. At best, Draper discloses removing redundancies. See Figure 4; step 102. The mere recitation of a “removing step” does not teach or suggest “modifying a redundant representation to form a modified-representation such that the aspect is more completely conveyed by the series of compressed image representations.” Accordingly, Draper fails to disclose at least these features of independent claims 6 and 9, and for at least this reason, claims 6 and 9 are allowable. Claims 7 and 8 depend directly from claim 6, and claim 10 depends directly from claim 9. Therefore, claims 7, 8, and 10 are allowable for at least the reasons set forth above with respect to claims 6 and 9.

#### Claims 11-12

Independent claim 11 recites a method of enhancing a video frame having the steps of:

enhancing a first image frame in an encoder;  
analyzing the first image frame to determine a coding and a reconstruction of the first image frame;  
optimizing a sequential frame based at least partly on the coding and reconstruction of the first image frame.

Claim 11, in part, recites steps that include “enhancing a first image,” “analyzing the first image,” and “optimizing a sequential frame.” The references cited by the Examiner fail to disclose at least these elements of claim 11.

The Examiner states that Venters discloses “enhancing a first image frame in an encoder” and cites column 2, lines 26-34 of Venters for support. Applicant respectfully disagrees. As stated above with respect to claim 1, column 2, lines 26-34 of Venters

discloses “the use of auxiliary or redundant data communication port connectivity of such components that enables data transport therethrough to be enhanced[.]” In other words, Venters merely discloses that the use of auxiliary or redundant data communication port connectivity can be used to enhance data transport. Venters makes no mention of “enhancing a first image frame in an encoder.” Moreover, using redundant data communication ports to enhance transportation of a signal does not teach or suggest “enhancing a first image frame in an encoder.” Accordingly, Venters fails to disclose at least this feature of claim 11, and for at least this reason, the rejection of claim 11 should be withdrawn.

Next, the Examiner states that Venters discloses “analyzing the first image frame to determine a coding and a reconstruction of the first image frame” and cites Figure 3 and data terminal equipment 51 of Venters for support. Applicant respectfully disagrees. The specification of Venters describes data terminal equipment 51 as a router (*Venters*, col. 4, lines 58-61), which merely transmits signals. Venters makes no mention of the data terminal equipment 51 “analyzing the first image frame to determine a coding and a reconstruction of the first image frame.” Moreover, the mere fact that Venters discloses a router does not teach or suggest “analyzing the first image frame to determine a coding and a reconstruction of the first image.” Accordingly, Venters fails to disclose at least this feature of claim 11, and for at least this reason, the rejection of claim 11 should be withdrawn.

Finally, the Examiner states that Venters discloses “optimizing a sequential frame based at least partly on the coding and reconstruction of the first image frame” and relies

on Figure 3 and network interface 67 for support. Applicant respectfully disagrees. The specification of Venters describes network interface 67 as being "operative to time division multiplex the two compressed...digital data streams...onto the serial digital communication (T1) link." Col. 5, lines 56-59. Venters makes no mention of the network interface 67 "optimizing a sequential frame based at least partly on the coding and reconstruction of the first image frame." Moreover, the mere fact that Venters discloses a network interface does not teach or suggest "optimizing a sequential frame based at least partly on the coding and reconstruction of the first image frame." Accordingly, Venters fails to disclose at least this feature of claim 11, and for at least this reason, the rejection of claim 11 should be withdrawn. Claim 12 depends directly from claim 11. Therefore, claim 12 is allowable for at least the reasons set forth above with respect to claim 11.

### **CONCLUSION**

Reconsideration and allowance are respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 200700807-2 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

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Respectfully submitted,

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